



DECISION MEMORANDUM FOR THOMAS J. VILSACK, SECRETARY

THROUGH:

*for* Harris D. Sherman  
Under Secretary, NRE

NOV 19 2010

FROM:

*for* Thomas L. Tidwell  
Chief

NOV 16 2010

SUBJECT: Charter Renewal for the Forestry Research Advisory Council

**ISSUE:**

The Forest Service intends to renew the charter for the Forestry Research Advisory Council (Council) in order to continue providing advice to the Secretary of Agriculture on forestry research and apportionment of funds. The charter for the Council will expire on January 12, 2011.

**BACKGROUND:**

The Council is required by the Agriculture and Food Act of 1981, Section 1441(c) to provide advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the Act of October 10, 1962 (16 U.S.C. 582a, et seq.), commonly known as the McIntire-Stennis Act of 1962. The Council also provides advice related to the Forest Service Research Program, authorized by the Forest and Rangeland Renewable Resources Research Act of 1978 (Pub. L. No. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note)).

The Council continues to provide advice to the Secretary concerning regional and national forestry research planning and coordination within the Federal and State agencies, forestry schools, forest industries, and non-government organizations. The Council may make special reports to the Secretary jointly through the Under Secretary for Research, Education, and Economics and the Under Secretary for Natural Resources and Environment.

The Council is composed of 20 voting members representing a) the Federal and State agencies concerned with developing and utilizing the Nation's forest resources, in particular committee membership, will include representation from National Forest System and Forest and Range Experiment Stations leaders, Forest Service; b) the forest industries; c) the forestry schools of the State-certified eligible institutions, and State agricultural experiment stations; and d) volunteer public groups concerned with forests and related natural resources. Members serve 2 years.

**SUMMARY:**

The charter for the Forestry Research Advisory Council needs to be renewed so that the Council may fulfill its responsibility to consult on a periodic or regular basis on forestry research and apportionment of funds, in accordance with the Act.

**DECISION BY THE SECRETARY**

Approve:  Date: 2/14/11

Disapprove: \_\_\_\_\_

Discuss with me: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Enclosures

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		<b>NUMBER:</b>
<b>SUBJECT:</b>  FORESTRY RESEARCH ADVISORY COUNCIL	<b>DATE:</b>  OPI: Forest Service	

1 AUTHORITY

The Charter for the Forestry Research Advisory Council (Council) is hereby renewed pursuant to the Agriculture and Food Act of 1981 (Act), Section 1441(c) and the Federal Advisory Committee Act (5 U.S.C. App.2) (FACA).

This regulation supersedes DR-1042-66, dated January 12, 2009.

2 PURPOSE AND SCOPE

The Council is required by the Agriculture and Food Act of 1981, Section 1441(c) to provide advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the Act of October 10, 1962 (16 U.S.C. 582a, *et seq.*), commonly known as the McIntire-Stennis Act of 1962. The Council also provides advice related to the Forest Service research program, authorized by the Forest and Rangeland Renewable Resources Research Act of 1978 (Pub. L. No. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note)). The Council will report to the Secretary of Agriculture on regional and national planning and coordination of forestry research within the Federal and State agencies concerned with developing and utilizing the Nation's forest resources, forestry schools, and the forest industries.

The Council shall also advise the Secretary of Agriculture on the apportionment of funds for the McIntire-Stennis Program.

3 DESCRIPTION OF DUTIES

- a. The Council shall be solely advisory in nature.
- b. The Council shall provide reports to the Secretary of Agriculture, on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries.
- c. The Council shall advise the Secretary on the apportionment of funds.

- d. Actions of the Council will be reported to the Secretary in the form of resolutions, to be accompanied by minutes of the annual meeting to provide background information on the resolutions.
- e. The Council shall adopt such by-laws as are necessary to conduct its business and accomplish its legislative purpose.
- f. The Council may make special reports to the Secretary through the Under Secretary for Research, Education, and Economics in consultation with the Under Secretary for the Natural Resources and Environment.

#### 4 AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The Council reports to the Secretary through the appropriate Under Secretary for Research, Education, and Economics in consultation with the Under Secretary for Natural Resources and Environment.

#### 5 SUPPORT

Clerical and administrative support for the Council will be provided by the National Institute for Food and Agriculture, USDA.

#### 6 ESTIMATED ANNUAL OPERATING COSTS/STAFF YEARS

- a. Annual operating costs are estimated to be \$65,000 with 0.4 full time equivalent staff support and direct costs. USDA shall provide such additional funding as reasonably necessary to achieve the purposes for which the Council was created and shall provide any further guidelines and management controls as may be necessary to further the objectives of the Council.
- b. Members of the Council shall serve without pay, but with reimbursement of travel expenses in accordance with Federal per diem rates for attendance at the meetings approved by the Chairperson.

#### 7 DESIGNATED FEDERAL OFFICER

The Secretary shall appoint the Designated Federal Officer (DFO) under Sections 10(e) and (f) of the Federal Advisory Committee Act, 5 U.S.C. App. The DFO will:

- (1) Approve or call all of the Advisory Board's and subcommittees' meetings;
- (2) Prepare and approve all meeting agendas;
- (3) Attend all Board and subcommittee meetings;

- (4) Adjourn any meeting when he or she determines adjournment to be in the public interest; and
- (5) Chair meetings when directed to do so by the Secretary or the chairperson of the board.

## 8 ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

- a. The Council shall meet annually, but may meet as often as is necessary to complete its business.
- b. As required by FACA, the Council will hold open meetings unless the Secretary of Agriculture determines that a meeting or a portion of a meeting may be closed to the public in accordance with Subsection c of Section 522(b) of Title 5, United States Code. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the committee.
- c. A majority of the members of the advisory council shall constitute a quorum for a meeting that will provide consensus direction. The Council shall not hold any meetings except at the call of, or with the advance approval of, the DFO.
- d. Notice of each meeting shall be provided in the Federal Register at least 15 days before each meeting. Council members will be notified personally of the date, time, and place of each meeting.

## 9 DURATION AND TERMINATION

- a. This regulation will expire in 2 years from the date of filing unless renewed by proper authority and appropriate action.
- b. The functions of the Council cannot be accomplished in less than 2 years. In accordance with the departmental regulations, unless renewed, the Council will terminate 2 years from the date of filing the charter.
- c. In the event project proposals commit all funding and funding for new proposals is not available, then the committee's services may be terminated at the discretion of the Secretary.

## 10 MEMBERSHIP AND DESIGNATION

- a. The Council will be comprised of 20 voting members approved by the Secretary of Agriculture. Committee membership will be fairly balanced in terms of the points of view represented and functions to be performed.

- b. The Council members will represent a broad array of interests in forest research. They include:

- (1) Federal and State agencies concerned with developing and utilizing the Nation's forest resources, in particular committee membership, will include representation from National Forest System and Forest and Range Experiment Stations leaders, Forest Service;
- (2) The forest industries;
- (3) The forestry schools of the State-certified eligible institutions, and State agricultural experiment stations;
- (4) Volunteer public groups concerned with forests and related natural resources;
- (5) Representation will be geographically balanced insofar as possible. Some members will reflect regional perspectives: others will be more oriented toward national perspectives.
- (6) Nomination of members representing the forestry schools (Section 10b(2) above) will be sent to the Secretary by State-certified eligible forestry schools with two nominations for each eligible vacancy.
- (7) Additional resource persons may be invited to attend the meetings of the Council.
- (8) If a Council member fails to attend (in person or by telephonic or electronic means) three consecutive official meetings, the Secretary or DFO may remove that member from the Council.
- (9) A vacancy on the Council will be filled in the manner in which the original appointment was made.
- (10) The DFO formally resides with NIFA, which administers clerical and administrative support for the Council. The NIFA National Program Leader for forestry programs will serve as DFO.
- (11) The Chairperson and the Vice-Chairperson shall be elected by the Council.
- (12) Council members may create and operate subcommittees recommended by a majority of the council members and approved by the Secretary or the DFO.
- (13) Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by the Departments, membership should include, to the extent practicable,

individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

11      **RECORDSKEEPING**

The records for the Forestry Research Advisory Council shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

12      **FILING DATE**

**END**

U.S. DEPARTMENT OF AGRICULTURE  
WASHINGTON, D.C. 20250

<b>DEPARTMENTAL REGULATION</b>		<b>NUMBER:</b>
<b>SUBJECT:</b>  FORESTRY RESEARCH ADVISORY COUNCIL	<b>DATE:</b>	
	OPI: Forest Service	

1 AUTHORITY

The Charter for the Forestry Research Advisory Council (Council) is hereby renewed pursuant to the Agriculture and Food Act of 1981 (Act), Section 1441(c) and the Federal Advisory Committee Act (5 U.S.C. App.2) (FACA).

This regulation supersedes DR-1042-66, dated January 12, 2009.

2 PURPOSE AND SCOPE

The Council is required by the Agriculture and Food Act of 1981, Section 1441(c) to provide advice to the Secretary of Agriculture on accomplishing efficiently the purposes of the Act of October 10, 1962 (16 U.S.C. 582a, et seq.), commonly known as the McIntire-Stennis Act of 1962. The Council also provides advice related to the Forest Service research program, authorized by the Forest and Rangeland Renewable Resources Research Act of 1978 (Pub. L. No. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note)). The Council will report to the Secretary of Agriculture on regional and national planning and coordination of forestry research within the Federal and State agencies concerned with developing and utilizing the Nation's forest resources, forestry schools, and the forest industries.

The Council shall also advise the Secretary of Agriculture on the apportionment of funds for the McIntire-Stennis Program.

3 DESCRIPTION OF DUTIES

- a. The Council shall be solely advisory in nature.
- b. The Council shall provide reports to the Secretary of Agriculture, on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries.
- c. The Council shall advise the Secretary on the apportionment of funds.



- d. Actions of the Council will be reported to the Secretary in the form of resolutions, to be accompanied by minutes of the annual meeting to provide background information on the resolutions.
- e. The Council shall adopt such by-laws as are necessary to conduct its business and accomplish its legislative purpose.
- f. The Council may make special reports to the Secretary through the Under Secretary for Research, Education, and Economics.

#### 4 AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS

The Council reports to the Secretary through the appropriate Under Secretary for Research, Education, and Economics.

#### 5 SUPPORT

Clerical and administrative support for the Council will be provided by the Forest Service and the National Institute for Food and Agriculture, USDA.

#### 6 ESTIMATED ANNUAL OPERATING COSTS/STAFF YEARS

- a. Annual operating costs are estimated to be \$65,000 with 0.4 full time equivalent staff support and direct costs. USDA shall provide such additional funding as reasonably necessary to achieve the purposes for which the Council was created and shall provide any further guidelines and management controls as may be necessary to further the objectives of the Council.
- b. Members of the Council shall serve without pay, but with reimbursement of travel expenses in accordance with Federal per diem rates for attendance at the meetings approved by the Chairperson.

#### 7 DESIGNATED FEDERAL OFFICER

The Secretary shall appoint the Designated Federal Officer (DFO) under Sections 10(e) and (f) of the Federal Advisory Committee Act, 5 U.S.C. App. The DFO will:

- (1) Approve or call all of the Advisory Board's and subcommittees' meetings;
- (2) Prepare and approve all meeting agendas;
- (3) Attend all Board and subcommittee meetings;
- (4) Adjourn any meeting when he or she determines adjournment to be in

the public interest; and

- (5) Chair meetings when directed to do so by the Secretary or the chairperson of the board.

## 8 ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

- a. The Council shall meet annually, but may meet as often as is necessary to complete its business.
- b. As required by FACA, the Council will hold open meetings unless the Secretary of Agriculture determines that a meeting or a portion of a meeting may be closed to the public in accordance with Subsection c of Section 522(b) of Title 5, United States Code. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the committee.
- c. A majority of the members of the advisory council shall constitute a quorum for a meeting that will provide consensus direction. The Council shall not hold any meetings except at the call of, or with the advance approval of, the DFO.
- d. Notice of each meeting shall be provided in the Federal Register at least 15 days before each meeting. Council members will be notified personally of the date, time, and place of each meeting.

## 9 DURATION AND TERMINATION

- a. This regulation will expire in 2 years from the date of filing unless renewed by proper authority and appropriate action.
- b. The functions of the Council cannot be accomplished in less than 2 years. In accordance with the departmental regulations, unless renewed, the Council will terminate 2 years from the date of filing the charter.
- c. In the event project proposals commit all funding and funding for new proposals is not available, then the committee's services may be terminated at the discretion of the Secretary.

## 10 MEMBERSHIP AND DESIGNATION

- a. The Council will be comprised of 20 voting members approved by the Secretary of Agriculture. Committee membership will be fairly balanced in terms of the points of view represented and functions to be performed.
- b. The Council members will represent a broad array of interests in forest research. They include:

- (1) Federal and State agencies concerned with developing and utilizing the Nation's forest resources, in particular committee membership, will include representation from National Forest System and Forest and Range Experiment Stations leaders, Forest Service;
- (2) The forest industries;
- (2) The forestry schools of the State-certified eligible institutions, and State agricultural experiment stations;
- (3) Volunteer public groups concerned with forests and related natural resources;
- (4) Representation will be geographically balanced insofar as possible. Some members will reflect regional perspectives: others will be more oriented toward national perspectives.
- (5) Nomination of members representing the forestry schools (Section 10b(2) above) will be sent to the Secretary by State-certified eligible forestry schools with two nominations for each eligible vacancy.
- (6) Additional resource persons may be invited to attend the meetings of the Council.
- (7) If a Council member fails to attend (in person or by telephonic or electronic means) three consecutive official meetings, the Secretary or DFO may remove that member from the Council.
- (8) A vacancy on the Council will be filled in the manner in which the original appointment was made.
- (9) The DFO is the National Program Leader for the Institute of Bioenergy, Climate and Environment or his designee. The Deputy Administrator for NIFA recommends and the Secretary appoints the DFO to the Council.
- (10) The Chairperson and the Vice-Chairperson shall be elected by the Council.
- (11) Council members may create and operate subcommittees recommended by a majority of the council members and approved by the Secretary or the DFO.
- (12) Equal opportunity practices, in line with USDA policies, will be followed in all appointments to the Council. To ensure that the recommendations of the Council have taken into account the needs of the diverse groups served by the Departments, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

11      **RECORDSKEEPING**

The records for the Forestry Research Advisory Council shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

12      **FILING DATE**

END